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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/041,071	12/28/2001	Andrew F. Glew	42390.P13769	5239
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EXAMINER				
TESLOVICH, TAMARA				
ART UNIT		PAPER NUMBER		
2137				
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03/17/2008		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/041,071

**Applicant(s)**

GLEW ET AL.

**Examiner**

Tamara Teslovich

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 12/26/07.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 2-4 and 6-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 2-4 and 6-13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/CDC)
- Paper No(s)/Mail Date \_\_\_\_\_

- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on December 26, 2007 has been entered.

Claims 1, 5 and 14-34 are cancelled.

Claim 3 is amended.

Claims 2-4 and 6-13 are pending and herein considered.

### ***Response to Arguments***

Applicant's arguments filed December 26, 2007 have been fully considered but they are not persuasive.

Applicant's arguments fail to comply with 37 CFR 1.111(b) because they amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references. Applicant's "independent claim 3 has been amended to include at least one limitation not disclosed by England" fails to explain how it is that his amendments serve to distinguish his invention from the prior art in any way.

Applicant's arguments do not comply with 37 CFR 1.111(c) because they do not clearly point out the patentable novelty which he or she thinks the claims present in view of the state of the art disclosed by the references cited or the objections made. Further, they do not show how the amendments avoid such references or objections. Once again, Applicant makes no attempt to clearly points out how it is that his amendments serve to distinguish his invention from the prior art.

Based upon Applicant's failure to point out how the language of the claims patentable distinguishes them from the reference, the Examiner has no choice but to maintain her 35 USC 102 rejection of the claims, included below in an amended form to reflect Applicant's amendments.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

**Claims 2-4 and 6-13 are rejected under 35 U.S.C. 102(e) as being anticipated by US Patent No. 6,651,171 B1 by England et al.**

Regarding **claim 2**, England discloses transferring a number of bytes specified by an operand from a memory (col.7 lines 35-56).

Regarding **claim 3**, England discloses a method comprising receiving, by a processor, an instruction to launch a code module to establish a trusted system environment (col.8 lines 42-44);

verifying, by the processor in response to receiving the instruction, that the environment of the processor is appropriate to launch the code module (col.6 lines 53-54; col.8 lines; col.9 lines 60-65; col.15 lines 40-44);

updating, by the processor in response to verifying that the environment of the processor is appropriate, event processing to support launching the code module (col.8 lines 34-48);

locking, by the processor in response to updating event processing, a processor bus coupling the processor to other processors (col.9 lines 15-19; col.10 lines 51-55, 61-65; col.11 lines 36-39);

configuring, by the processor in response to locking the processor bus, a cache memory of a processor to operate in a private ("curtained") mode in which requests within the memory range of the cache are satisfied by the cache and cache lines are not replaced or invalidated in response to snoop requests on the processor bus (col.3 lines 35-43; col.7 lines 43-48; col.10 line 55-59),

transferring, by the processor in response to configuring the cache memory to operate in the private mode, the code module to the cache memory of the processor (col.7 lines 43-48);

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determining, by the processor in response to transferring the code module to the cache memory, that the code module stored in the cache memory is authentic col.7 lines 48-52; col.8 lines 11-14) and

executing the code module from the cache memory in response to determining that the code module is authentic (col.8 lines 2-4).

Regarding **claim 4**, England discloses invalidating the cache memory prior to storing the code module in the cache memory (col.6 lines 6-67).

Regarding **claim 6**, England discloses determining whether the code is authentic based upon a digital signature of the code module (col.13 lines 27-40).

Regarding **claim 7**, England discloses obtaining a first value from the code module stored in the cache memory and computing a second value from the code module (col.13 lines 15-26); and determining that the code module is authentic in response to the first value and the second value having a predetermined relationship (col.7 lines 1-34, 57-67; col.13 lines 15-26, 61-67).

Regarding **claim 8**, England discloses retrieving a key (col.13 lines 15-26),

decrypting a digital signature of the code module with the key to obtain a first value and hashing the code module to obtain a second value (col.13 lines 15-26); and

executing the code module in response to the first value and the second value having a predetermined relationship (col.13 lines 15-40, 61-67).

Regarding **claim 9**, England discloses wherein

decrypting comprises using the key to RSA-decrypt the digital signature, and hashing comprises apply a SHA-1 hash to the code module to obtain the second value (col.13 line 8 thru col.15 line 50).

Regarding **claim 10**, England discloses retrieving the key from a processor used to execute the code module (col.15 lines 19-52; ol.11 lines 27-39).

Regarding **claim 11**, England discloses retrieving the key from a chipset (col.15 lines 19-52; col.11 lines 27-39).

Regarding **claim 12**, England discloses retrieving the key from a token (col.7 lines 57-67).

Regarding **claim 13**, England discloses receiving the code module from a machine readable medium (col.6 lines 35-46).

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tamara Teslovich whose telephone number is (571)272-4241. The examiner can normally be reached on Mon-Fri 8-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Emmanuel Moise can be reached on (571) 272-3865. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Tamara Teslovich/  
Examiner, Art Unit 2137



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/Matthew B Smithers/

Primary Examiner, Art Unit 2137